

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

FREDERICK L. COOGLER,	:	
	:	Case No. 3:06CV0378
Plaintiff,	:	
vs.	:	District Judge Thomas M. Rose
	:	Magistrate Judge Sharon L. Ovington
GREEN TOKAI COMPANY, LTD.	:	
Defendant.	:	

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**ORDER**

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The Court has reviewed *de novo* the Report and Recommendations of United States Magistrate Judge Sharon L. Ovington (Doc. #17), to whom this case was originally referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby adopts said Report and Recommendations.

Accordingly, the Court **ORDERS** that:

1. The Report and Recommendations filed on October 2, 2007(Doc. #17) is ADOPTED in full;
2. Defendants Second Motion to Compel (Doc. # 15), is GRANTED and Plaintiff's Complaint is DISMISSED pursuant to Fed. R. Civ. P. 37(b)(2)(C) and Fed. R. Civ. P. 41(b); and,
3. The case is terminated on the docket of this Court.

October 19, 2007

s/**THOMAS M. ROSE**

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Thomas M. Rose  
United States District Judge